REMARKS

Claims 1-22 remain pending in the application.

Claims 1, 2, 4-10, 12-15, 17, 19 and 21 over Videcrantz in view of Miliani

In the Office Action, claims 1, 2, 4-10, 12-15, 17, 19 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,627,588 to Videcrantz et al. ("Videcrantz") in view of U.S. Patent No. 5,682,426 to Miliani et al. ("Miliani"). The Applicant respectfully traverses the rejection.

Claims 1, 2 and 4-7 recite a digital data stream wherein only some of a plurality of data packets within the digital data stream are scrambled. Claims 8, 9 and 17 recite scrambling a first central portion of a data payload of some of a plurality of data packets within a data packet stream.

The Examiner acknowledged that Videcrantz fails to teach a digital data stream wherein some of a plurality of data packets within the digital data stream are scrambled (See Office Action, page 3). The Examiner relies on Miliani at col. 15, lines 7-15 to allegedly make up for the deficiencies in Mangold to arrive at the claimed features. The Applicant respectfully disagrees.

Miliani at col. 15, lines 7-15 appears to disclose a method of allowing providers of premium channels, such as HBO, to block reception thereof. To accomplish this task, an interdiction device is used to selectively scramble television channel signals from within the block of locally decrypted channel signals (see Miliani, col. 15, lines 12-15). Thus, Miliani simply discloses selectively scrambling of certain premium channels such as HBO, without any disclosure of reliance on packetized information. Miliani fails to disclose or suggest scrambling some of a plurality of data packets within a digital data stream, as recited by claims 1, 2, 4-10, 12-15, 17, 19 and 21.

The Examiner previously argued in the Response to Arguments section of the Office Action dated April 25, 2006 "that Miliani teaches that the data blocks are selectively encrypted on the channel" with "only premium data is sent encrypted" (see Office Action dated April 25, 2006, page 2). The Examiner

acknowledged that Miliani differentiates between premium and non-premium channels. However, the Examiner is lumping all of the channels together and alleging that Miliani's scrambled premium channels and unscrambled non-premium channels equates to scrambling some of a plurality of data packets within a digital data stream. However, as discussed above, Miliani discloses descrambling of television channels, with no disclosure that those television channels are being broadcast in a digital form, much less a digital data stream. The Examiner has still failed to address much less refute this point. Thus, the Examiner cannot make the assumption that Miliani is using anything other than conventional analog television signals. In fact, all of Miliani's input signals into variously disclosed descramblers are disclosed as a multi-channel RF signal in separate frequency channels not digital inputs (see Miliani, Figs. 4, 14, 15-18 and 20; col. 4, lines 36-42). Miliani fails to disclose use of digital data, much less scrambling of a digital data stream, as recited by claims 1, 2, 4-10, 12-15, 17, 19 and 21.

Applicant traverses the Official Action as incomplete because it fails to answer the material traversed. (See MPEP §707.07(f) "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it."). The Applicant has repeatedly argued the serious deficiencies in Miliani, e.g., that Miliani fails to even disclose a digital data stream, which the Examiner has repeatedly failed to even acknowledge much less "answer the substance of it".

Moreover, Videcrantz modified by Miliani is nonsensical. Videcrantz is directed toward encryption of information being transmitted over an area network. Miliani is directed toward encryption of analog television channels. Since components within a computer do not operate with or watch analog television, i.e., premium television channels such as HBO, modifying Videcrantz to encrypt television channels on an area network is nonsensical.

Moreover, a data stream is a term of art. Videcrantz discloses use of packets throughout the specification but fails to disclose a digital data stream. Miliani, as discussed above, is an analog system that lacks packets and a digital

data stream. Thus, Videcrantz and Miliani fail to disclose a digital data stream or scrambling and descrambling of a plurality of data packets within the digital data stream, much less scrambling and descrambling some of a plurality of data packets within the digital data stream, as recited by claims 1, 2, 4-10, 12-15, 17, 19 and 21. Modifying Videcrantz with Miliani does not result in features that each fail to disclose.

Thus, even if it were somehow obvious to modify Videcrantz with the disclosure of Miliani, which it is not as discussed below, the theoretical result would be a system and method for performing compression, encryption of communication packages on an area network (see Videcrantz, col. 1, lines 6-25) through encryption of premium television channels such as HBO (see Miliani, col. 15, lines 12-15). Videcrantz modified by the disclosure of Miliani fails to disclose or suggest scrambling and descrambling some of a plurality of data packets within the digital data stream, as recited by claims 1, 2, 4-10, 12-15, 17, 19 and 21.

Claims 10, 12-15, 19 and 21 recite scrambling and descrambling only a central portion of every nth one of a plurality of data packets, where n is an integer greater than 1.

The Examiner points to Videcrantz at col. 26, lines 44-60 to disclose scrambling only a central portion of every nth one of a plurality of data packets, where n is an integer greater than 1 (see Office Action, page 5). However, Videcrantz at col. 26, lines 44-60 discloses:

"The IPSec standard as defined in RFC 2401 provides a method for achieving confidentiality and/or authenticity. In the presently preferred embodiment of the invention encapsulated security payload (ESP) as defined in RFC 2406 is used as the general technology. The ESP processing is performed on the entire IP data communication package in transport- or tunnel mode and provides a new IP data communication package. The ESP processing in transport mode shown in FIG. 6 essentially consists of generation of a new IP data communication package comprising a copy of the original header including an adjustment of the next header value and further consists of the application of ESP on the payload. This results in the encryption of data and the calculation of an ICV. The encryption is performed before the ICV calculation. The field

defined as SPI in FIG. 6 is used as reference for which encryption key and which algorithm should be employed."

Thus, Videcrantz at col. 26, lines 44-60 discloses encryption of an "entire IP data communication package". Videcrantz at col. 26, lines 44-60 nor anywhere else within Videcrantz discusses anything about a central portion of a data packet, much less disclose scrambling only a central portion a data packet, much less disclose scrambling only a central portion of every nth one of a plurality of data packets, where n is an integer greater than 1, as recited by claims 10, 12-15, 19 and 21.

Thus, Videcrantz modified by Miliani would still fail to disclose or suggest scrambling and descrambling only a central portion of every nth one of a plurality of data packets, where n is an integer greater than 1, as recited by claims 10, 12-15, 19 and 21.

For these and other reasons, claims 1, 2, 4-10, 12-15, 17, 19 and 21 are patentable over the cited art. It is therefore respectfully requested that the rejection be withdrawn.

Claims 3, 11, 16, 18, 20 and 22 over Videcrantz in view of Miliani and Newton

In the Office Action, claims 3, 11, 16, 18, 20 and 22 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Videcrantz in view of Miliani, and further in view of Newton's Telecom Dictionary ("Newton"). The Applicant respectfully traverses the rejection.

Claim 3 recites a digital data stream wherein only some of a plurality of data packets within the digital data stream are scrambled. Claim 18 recites scrambling a first central portion of a data payload of some of a plurality of data packets within a data packet stream. Claims 11, 16, 20 and 22 recite scrambling and descrambling only a central portion of every nth one of a plurality of data packets, where n is an integer greater than 1.

As discussed above, Videcrantz in view of Miliani fails to disclose or suggest scrambling and descrambling some of a plurality of data packets within

the digital data stream; and scrambling and descrambling only a central portion of every nth one of a plurality of data packets, where n is an integer greater than 1, as recited by claims 3, 11, 16, 18, 20 and 22.
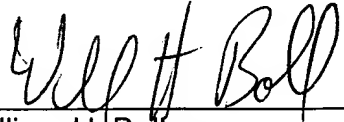
Newton was relied on to disclose MPEG-2 and its benefits (see Office Action, page 10). However, Newton fails to provide any disclosure or suggestion of applying MPEG-2 to anything related to scrambling and descrambling some of a plurality of data packets within the digital data stream; and scrambling and descrambling only a central portion of every nth one of a plurality of data packets, where n is an integer greater than 1. Thus, Videcrantz in view of Miliani and Newton would still fail to disclose or suggest scrambling and descrambling some of a plurality of data packets within the digital data stream; and scrambling and descrambling only a central portion of every nth one of a plurality of data packets, where n is an integer greater than 1, as recited by claims 3, 11, 16, 18, 20 and 22.

For these and other reasons, claims 3, 11, 16, 18, 20 and 22 are patentable over the cited art. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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